REMARKS

This is in response to the Office Action mailed on October 21, 2004, and the references cited therewith.

Claims 1, 3-5, 9, 12, 25, 27-28, and 30-32 are amended, claims 13-24 were previously canceled; as a result, claims 1-12 and 25-32 are now pending in this application.

Claim Objections

Claims 1, 3-5, 9, 12, 25, 27, 28, 30-32 were objected to because of inconsistencies with the specification. Although Applicants disagree with Examiner's assertion that the claim language is ambiguous because it included both "compress" and "pack," Applicants have redacted the claims to remove references to "pack" and "unpack" leaving simply "compress" and "decompress." Therefore, Applicants assert that these rejections are no longer appropriate and should be withdrawn.

§102 Rejection of the Claims

Claims 1-2, 6-12, 25-32 were rejected under 35 USC § 102(b) as being anticipated by Ito et al. (US 6,484,093). To sustain an anticipation rejection each and every element or step of the rejected claims must be taught or suggested in the cited reference. The Examiner continues to maintain that compression is inherently taught by the teachings of the Ito reference. Applicants continue to disagree and submit the following remarks for the Examiner's consideration with respect to this matter.

At the outset, Applicants would like to point out that Applicants are not required to prove a negative. In fact proving a negative is not possible. The Examiner appears to be suggesting that Applicants have to prove the Ito reference does not teach compression. Applicants assert that the Examiner's procedure is inappropriate and not required by law or the MPEP. It is the Examiner that must prove the positive existence of compression from the Ito reference (explicitly or implicitly); the Applicants are not under an unreasonable and improbable task of proving a negative, especially when the negative relates to what the Examiner is asserting is inherent and not explicit in the Ito reference.

The Merriam-Webster Online Dictionary (www.m-w.com) defines compress as to reduce in size or volume. The Examiner asserts that compression is inherently present within the Ito reference and directs the Applicants to column 11 lines 59 through column 12 line 5. The reference referred to by the Examiner speaks only of "storing," there is no suggestion of data reduction in this reference and the context of the reference is void of any implication suggesting data reduction.

It appears the Examiner recognizes this and relies further on column 7 lines 30-45 and figure 4. This reference speaks only of different types of data stored; there is not a single suggestion that any of this data is compressed. Moreover, FIG. 4 is described in detail in the Ito reference beginning in column 10. The data stored in Ito is not compressed in fact it is expanded to a greater size and not a reduced size. FIG. 4 in Ito describes an additional data structure stored in Ito's navigation device in addition to navigation data. The additional data structure is a header; the header identifies the total number of route segments divided from a route into discreet portions of data. Without the header, the routes could not be interpreted in Ito. The header adds data to the routes segments and does not reduce the data. The view present in FIG. 4 is an expanded description of the added data present in the header. This does not teach data compression.

The Examiner's attention is directed to column 10 lines 53-55 where it is stated that the "steps S30 and s32 are repeated until the total road length becomes *equal to or exceeds* the demanded guide route length . . .." (Emphasis added.) Ito receives all the data segments for route calculation at different points in time. Ito, col. 12, lines 18-22. Once the route segments are used they are deleted. Ito, col. 12, lines 38-40. Voluminous route segments are stored on CD-ROM or DVD. Ito, col. 14, lines 40-45.

In fact, Ito avoids compression entirely. This is done because Ito iteratively acquires route segment data and stores only what is immediately needed; when route segments are consumed the information center is contacted for any remaining route segments needed as identified in the header. The total number of routes and individual identifying information are housed in the header. This confirms Applicants assertion that data is not reduced in Ito; it is increased in size with the header. To the extent it is possible to prove a negative this confirms or

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supports the conclusion that Ito does not suggest compression. There is no suggestion of compression anywhere in the Ito reference.

Applicants would also like to point out that the word "division" is not "reduction." Ito divides a route segment into a plurality of sub routes, the sub routes are identified in headers, the headers and sub routes are stored in the navigation device of Ito, and the storage is increased by the introduction of the headers. If the navigation device loses communication with the information center during a route guidance session, then the headers permit the device to continue navigation. Once communication is re-established, the needed sub routes, which have not yet been streamed to the device, are acquired and streamed to the device.

This scenario is indicative a streaming and not compression. Streaming is an alternative to compression when memory is limited. Ito has elected to address streaming. One of ordinary skill in the art would not read Ito to suggest compression. Applicants respectfully continue to disagree with the Examiner's interpretation of the Ito reference and Applicants continue to assert that storage is not compression.

Therefore, the rejections with respect to Ito should be withdrawn.

§103 Rejection of the Claims

Claims 3-5 were rejected under 35 USC § 103(a) as being unpatentable over Ito et al. in view of Robinson et al. (US 5,995,970). Claims 3-5 are dependent from independent claim 1. Thus, for the remarks presented above with respect to claim 1, the rejections of claims 3-5 should be withdrawn.

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Conclusion

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL CHILDS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date __1-20-05__   By _____
Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this _20_ day of January, 2005.

_____CANDIS BUENDING_____   _____
Name   Signature